IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 30 OF 2007

MISS. SUVARNA N. CHODANKAR ....Petitioner

Versus

THE REGISTRAR GOA UNIVERSITY AND ANR ....Respondents

Mr. J. Godinho, for the Petitioner.

Mrs. A.A. Agni For R. 1 And 2

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 6th March, 2007

P.C.:

By this petition, the petitioner prays for a writ of mandamus directing the respondents to grant her 3 NSS balance marks and/or add 3 marks to Constitutional law paper I at Vth Semester. She also prays for a writ of mandamus directing the Respondents to declare the petitioner as pass or successful at Vth Semester and to allow her to continue attending and answering the VIIth Semester for the academic year 2006-2007.

2. We see no merit in the prayer clauses (a) and (b) at this stage, since admittedly the petitioner has passed the Vth Semester. The only grievance made on behalf of the petitioner by the learned counsel for the petitioner is that the NSS marks which have been eventually added to her marks in June, 2006, in the ratio of 1 for the subject, and 3 in the aggregate, for the VIth Semester, should be bifurcated and added to her marks for the Vth Semester, so that she can be declared pass for the Vth Semester during her earlier attempt. There is clearly no warrant or provision for this.

3. It is pointed out by Mrs. Agni, the learned counsel for the University that the NSS marks could not be added to the petitioner's marks when she appeared for the Vth Semester for the first time in the year 2005 because she had not completed the 120 hours, necessary to earn such marks. Thereafter the petitioner appeared for the Vth and VIth Semester in April, 2006 but passed only in the VIth Semester, when the results were declared in June, 2006. The University added those marks to her results of VIth Semester at this stage because by then she had completed 120 hours. In fact, the petitioner has admittedly passed the Vth Semester only recently in the examination held in October, 2006. It is clearly not possible to grant her the relief she seeks, namely the adding of the NSS marks with retrospective effect for the examination which she gave in October, 2005 or even April, 2006.

4. In this view of the matter, the petitioner having already passed on her own, it is not necessary to grant her any relief. As regards the other relief which the petitioner prays for, that is for being allowed to attend the VII Semester in the year 2006-07, it is stated on behalf of the University that the academic session is coming to an end in April, 2007 and the petitioner cannot be admitted to this term. There is no doubt that the petitioner would be entitled to apply for 2007-2008 term.

In the circumstances, there is no reason to entertain this petition which is hereby dismissed.

S.A.BOBDE, J.

N. A. BRITTO, J.

sl.